

**UNITED STATES BANKRUPTCY COURT
Southern District of New York**

In re: Retro (USA) Inc.

CASE NO. 14-11554-shl

**AFFIDAVIT FOR REIMBURSEMENT
OF UNCLAIMED DIVIDEND**

STATE OF: Virginia) Social Security No/(TIN): 254-96-6885
COUNTY OF: Henrico)

John J. Marshall, Assignee of China Fortune, or 6800 Paragon Place, Suite 202
(Name of Creditor) (Address)

Richmond, VA 23230

being duly sworn, deposes and says:

(Address)

That Retro (USA) Inc.

That he/she is a creditor of the above named debtor.

That Retro (USA) Inc. was duly adjudged a debtor
(Name of Debtor)

in the United States Bankruptcy Court for the Southern District of New York. That said creditor duly filed his/her claim, which was thereafter duly allowed.

Dividends amounting to the sum of \$ 19,014.06 remain unpaid.

That the said claim has not been sold or assigned, and that it is still the property of deponent.

It is therefore requested that the Clerk of this Court pay to John J. Marshall, as the
Assignee of China Fortune the sum of \$ \$19,014.06
(Name of Creditor)



Sworn and subscribed to before
me this 10th day of

(Signature of Creditor)

Kathy J. Lungford
Notary Public
11/6/2018

Affix Corporate Seal

PLEASE ATTACH COUNTY CLERK'S CERTIFICATE IF OTHER THAN A NEW YORK NOTARY
PLEASE FORWARD TO ATTENTION OF FINANCIAL DEPARTMENT

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re: **Retro (USA) Inc.**
Debtor

Case # 144-111554-shl
Chapter 7

**AFFIDAVIT AND IDENTIFICATION OF CREDITOR / SELLER
or its AUTHORIZED REPRESENTATIVE**

I, Li Yang aka Christina Yang, acting in my corporate capacity as President of China Fortune ("Seller"), am the Seller or the duly Authorized Representative of the Seller, and I declare as follows:

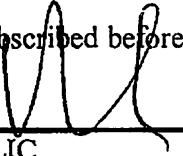
- 1) Seller is the original filer of a claim in this case which is noted on the clerk's register of claims. Evidence of these facts is included herewith.
- 2) Seller has knowingly and consciously decided to sell and assign any and all interest in such claim to **John Marshall**. Seller hereby grants all interest in such claim and any funds that might ultimately be generated by same to **John Marshall**, and agrees to provide any further court required supporting evidence, or execute any other required forms that confirm this fact and/or are necessary for the full transfer of such interest.
- 3) Seller has not previously sold their claim or rights to same to any other party, and is still the owner of the claim, is entitled to payment, and is selling all such rights and entitlement solely to **John Marshall**.

I hereby certify that the foregoing statements are true and correct to the best of my knowledge and belief.

China Fortune
Name of Creditor


Li Yang aka Christina Yang /
President

Sworn to and Subscribed before me on this


NOTARY PUBLIC

30 day of July, 2018
State of Ontario

City/County of Vaughan, ON (Canada)

Varinder K. Gaur
Barrister & Solicitor, Notary Public
7050 Weston Road, Suite 305
Vaughan, ON L4L 8G7
Tel: 905-850-5555 Fax: 905-850-5572

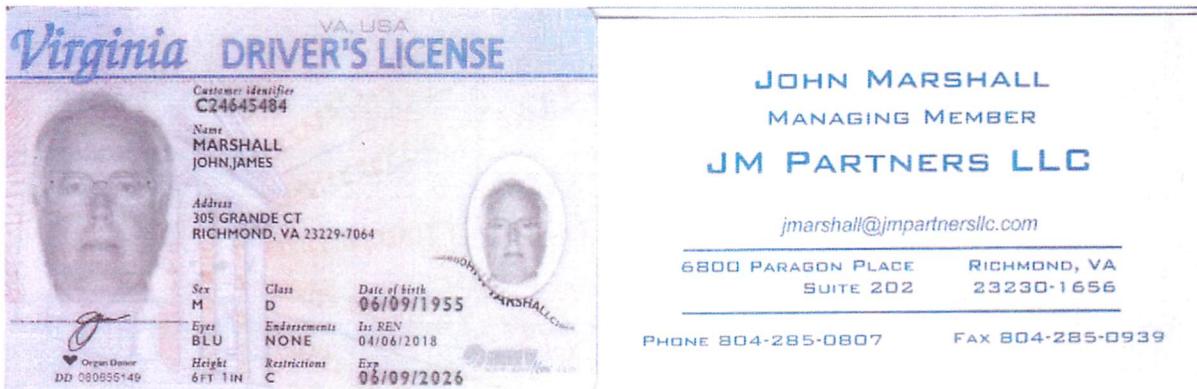
UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
In re :
Retro (USA) Inc. : Chapter 7
Debtor. : Case No. 14-11554-shl
-----X

AFFIDAVIT AND IDENTIFICATION OF ASSIGNEE

I, **John J. Marshall** (hereinafter "Assignee"), declare as follows:

- 1) **Assignee** has been granted an Assignment of that certain Claim - as is noted to be #2-1 on the Court's Register of Claims in this case - by China Fortune, the original Creditor in this matter, and the "Assignor" with respect to the Assignment of Claim. A Notice of Claim Transfer was duly filed, and is found at Docket #73 dated 8/1/18. A complete copy of the Transfer documents is included separately herewith. There were no objections to the Claim Transfer, and thus Assignee is the rightful owner of the Claim and all dividends owed against same.
- 2) My personal ID is as follows, with my business card included simply to show the preferred mailing address – though for clarify, it is stressed that I did, was and am acting in my individual capacity, and on a *pro se* basis:



- 3) On 6/27/18 at docket #71 the Trustee filed his Notice of Deposit of Unclaimed Dividends. Included in that deposit was and is the sum of \$19,014.06 owed against the Transferred Claim. Such unclaimed funds are thus the property of Assignee.
- 4) Assignee therefore has filed – included separately herewith – an Affidavit for Reimbursement of Unclaimed Dividends (which together with all its associated documents is hereinafter the "Request"). The Request conforms with all published Court requirements related to such a Request, and includes all appropriate proof and evidence. Assignee respectfully asks that the Request be approved, the Order entered, and the funds release to the Assignee as the rightful owner.

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In Re: Retro (USA) Inc.) CASE NO. 14-11554-shl
)
) DECLARATION OF SERVICE
)
 Debtor)
 _____)

John J. Marshall declares under the penalty of perjury as follows:
(Print or type name)

On _____, I served an Affidavit for Reimbursement of
(Date of service) (Describe the papers that you served)

Unclaimed Dividends, along with all associated and required supporting documents.

on the United States Attorney for the Southern District of New York at [Print or type name and address of the person served in the space below]:

Lawrence Fogelman
Chief, Tax and Bankruptcy Unit
United States Attorney's Office, SDNY
86 Chamber Street
New York, NY 10007

by prepaid First Class US Mail

(Fill in method of service, e.g. first class mail, personal delivery, federal express, etc.)

Executed: 11/15/10
Date of Service

John J. Marshall
(Sign name and print or type name below signature line)

中华人民共和国外交部请各国家
政机关对持照人予以通行的便利和必
要的协助。

*The Ministry of Foreign Affairs of
the People's Republic of China
requests all civil and military
authorities of foreign countries to
allow the bearer of this passport to
pass freely and afford assistance in
case of need.*

中华人民共和国	护照	普通护照	2016/08/25	2026/08/25
护照号	P	CHN	E7896498	
姓名	杨丽			
	YANG, LI			
性别	女/F	国籍/中国/CHINA	出生日期	30 OCT 1982
民族	汉族/HAN			
省份	山东/SHANDONG			
签发日期	25 08/AUG 2016			
有效期	24 08/AUG 2026			
签发机关	中国驻多伦多总领事馆			
领事馆地址	CONSULATE GENERAL OF CHINA IN TORONTO			

This form is intentionally blank.

The notice is scheduled to be processed by the Bankruptcy Noticing Center (BNC).

Refer to the BNC Certificate of Notice entry to view the actual form.

Notice Recipients

District/Off: 0208-1
Case: 14-11554-shl

User: asuarez
Form ID: trc

Date Created: 9/13/2018
Total: 1

Recipients submitted to the BNC (Bankruptcy Noticing Center):

7399739 China Fortune Attn: Li Yang Aka Christina Yang, President 230 Fifth Avenue, Suite 805 New York, NY 10001

TOTAL: 1

Unclaimed Funds Recovery

**HOLDER: USBC NY Southern District
CASE # 14-11554 Retro (USA) Inc.**
CLAIMANT: John Marshall, Assignee

Evidence of Funds Deposit by Trustee

1

**Complete Claim Assignment Package as is
found at docket #73 dated 8/1/18**

2

**Affidavit of John J. Marshall and required W9
and Vendor AO 213 forms**

3

Brief History Statement & Recap of Supporting Evidence:

China Fortune was the original creditor (“Creditor”) in this case. John Marshall (“Claimant”) purchased the Creditor’s claim in this case, and the Assignment of Claim is duly docketed at entry 73 dated 8/1/18. There were no objections to the Assignment, and thus Claimant is the proper owner of the Claim, and the unclaimed funds due as a distribution against the Claim. Thus Claimant – an individual person acting *pro se* in this matter - makes this application as the Assignee and Owner of the funds in question.

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Prepared & Submitted by:

John Marshall
6800 Paragon Place Suite 202
Richmond, VA 23230
Phone 804-285-0807
JMarshall@JMPartnersLLC.com

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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK
Manhattan

In re

RETRO (USA) INC.

Case No. 14-11554-SHL

Chapter 7

Debtor(s)

REPORT OF DEPOSIT OF UNCLAIMED FUNDS

Pursuant to Federal Rule of Bankruptcy Procedure 3011 and 11 U.S.C. §347, the trustee herein submits a check payable to "Clerk, United States Bankruptcy Court" representing unclaimed funds to be deposited by the Clerk of the Court into the Treasury of the United States. Said funds are subject to withdrawal as provided by 28 U.S.C. 2042 and shall not escheat under any state law. The unclaimed funds represent the dividends(s) due and payable to:

<u>Creditor's Name and Address</u>	<u>Amount of Dividend</u>
China Fortune 3545 Nashua Drive Mississauga, Ontario L4V 1R1 Canada	\$19,014.06

Dated: June 26, 2018

/s/ SALVATORE LAMONICA
SALVATORE LAMONICA, Trustee
3305 JERUSALEM AVENUE
WANTAGH, NY 11793
(516) 826-6500

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Report of Deposit of Unclaimed Funds was electronically served or mailed to Office of the U.S. Trustee, on June 26, 2018.

John Marshall

**6800 Paragon Place Suite 202
Richmond, VA 23230-1656**

Phone 804-285-0807
Fax 804-285-0939

Email JMarshall@JMPartnersLLC.com

July 31, 2018

USBC Southern District of New York
ATTN: Clerk of the Court
One Bowling Green
New York, NY 10004-1408

RE: JM File # 7NY-0041s Retro (USA) Inc

Gentlemen –

Please find enclosed a Notice of Transfer of Claim – and the accompanying \$25.00 fee for filing same - relating to:

Case Number	14-11554
Debtor	Retro (USA) Inc
Creditor / Claimant	John Marshall as Assignee of <u>China Fortune</u>
Amount	<u>\$ 83,630.47</u>

With respect to Notice of this action: I hereby certify that a true and correct copy of the Notice of Transfer of Claim was provided on the date first referenced above, via postage prepaid first class US Mail to the following parties of interest:

Transferor:

China Fortune
ATTN: Li Yang aka
Christina Yang / President
230 Fifth Avenue, Suite 805
New York, NY 10001
Phone 646-689-1880

Trustee:

Salvatore LaMonica
LaMonica Herbst & Maniscalco, LLP
3305 Jerusalem Avenue
Wantagh, NY 11793

Very truly yours,

John Marshall

AUG - 1 2018

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re: **Retro (USA) Inc.**
Debtor

Case # 114-11554-shl
Chapter 7

**NOTICE OF TRANSFER OF CLAIM PURSUANT TO
F.R.B.P. RULE 3001 (E) (2)**

Transferor:
China Fortune
ATTN: Li Yang aka
Christina Yang / President
230 Fifth Avenue, Suite 805
New York, NY 10001
Phone 646-689-1880

Transferee:
John Marshall
6800 Paragon Place Suite 202
Richmond, VA 23230-1656
Phone: 804-285-0807

The claim in the amount of \$ 83,630.47 against the Debtor has been transferred.

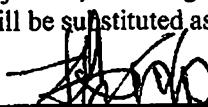
No action is required if you do not object to the Transfer of the claim. However, IF YOU
OBJECT TO THE TRANSFER OF THE CLAIM, WITHIN 20 DAYS OF THE DATE OF THIS
NOTICE, YOU MUST:

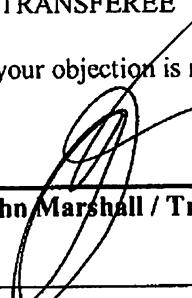
- FILE A WRITTEN OBJECTION TO THE TRANSFER with:

USBC Southern District of New York
ATTN: Clerk of the Court
One Bowling Green
New York, NY 10004-1408

SEND A COPY OF YOUR OBJECTION TO THE TRANSFeree

If you filed an objection, a hearing will be scheduled. If your objection is not timely filed, then
the Transferee will be substituted as the Claimant.

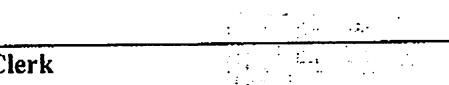

Li Yang aka Christina Yang / President
For: Transferor


John Marshall / Transferee

FOR CLERKS OFFICE USE ONLY:

This notice was mailed to the first party by first class postage prepaid mail on: _____

Copy: (check) Claims Agent _____ Transferee _____ Debtor's Attorney _____


Clerk

AUG - 1 2018

INDEX TO ENCLOSURES

Transfer of Claim

**HOLDER: USBC NY Southern District
CASE # 14-11554 Retro (USA) Inc
CLAIMANT: John Marshall, Assignee**

Copy of original Claim

1

Affidavit of Assignor

2

**Brief History Statement & Recap of
Supporting Evidence:**

China Fortune was the original claim holder in this case ("Transferor"). John Marshall ("Transferee") offered to purchase the claim held by Transferor, and upon acceptance of the offer the Transfer of Claim as provided for by the enclosed documentation was consummated, and thus Transferee is now the legal owner of the Claim and entitled to all dividends derived from same.

The Transferee respectfully requests that the Transfer be duly noted on the books and records of the Court, the Trustee and this applicable case files.

ID of Assignor's Rep

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Prepared & Submitted by:

John Marshall
6800 Paragon Place Ste 202
Richmond, VA 23230
Phone 804-285-0807
JMarshall@JMPartnersLLC.com

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B10 (Official Form 10) (04/13)

UNITED STATES BANKRUPTCY COURT Southern District of New York		PROOF OF CLAIM
Name of Debtor: China Fortune (USA) Inc.	Case Number: 14-11554	FILED
NOTE: Do not use this form to file a claim for an administrative expense that arises after the bankruptcy filing. You must file a request for payment of an administrative expense according to 11 U.S.C. § 503.		
Name of Creditor (the person or other entity to whom the debtor owes money or property): China Fortune	U.S. Bankruptcy Court Southern District of New York 7/2/2014 Via: Clerk, Clerk COURT USE ONLY	
Name and address where notices should be sent: China Fortune 3645 Nashua Drive Mississauga, Ontario L4V 1R1 CANADA Telephone number: 905-265-2290 email: chinatefortune@outlook.com	<input type="checkbox"/> Check this box if this claim amends a previously filed claim. Court Claim Number: (Unknown) <input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to this claim. Attach copy of statement giving particulars.	
Name and address where payment should be sent (if different from above):	<input type="checkbox"/> Check this box if the claim includes interest or other charges in addition to the principal amount of the claim. Attach a statement that itemizes interest or charges.	
Telephone number: _____ email: _____		
1. Amount of Claim as of Date Case Filed: \$ 63630.47		
If all or part of the claim is secured, complete item 4. If all or part of the claim is entitled to priority, complete item 5.		
<input type="checkbox"/> Check this box if the claim includes interest or other charges in addition to the principal amount of the claim. Attach a statement that itemizes interest or charges.		
2. Basis for Claim: deposit (See Instruction #2)		
3. Last four digits of any number by which creditor identifies debtor: _____	4a. Debtor may have scheduled account as: _____ (See Instruction #3a)	4b. Uniform Claim Identifier (optional): _____ (See Instruction #3b)
4. Secured Claim (See Instruction #4). Check the appropriate box if the claim is secured by a lien on property or a right of setoff. Attach required related documents, and provide the requested information.		
Nature of property or right of setoff: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other Describe: _____ Value of Property: \$ 8 Annual Interest Rate (when case was filed) % <input type="checkbox"/> Fixed or <input type="checkbox"/> Variable Basis for perfection: _____ Amount of Secured Claim: \$ 0.00 Amount Unsecured: \$ 63630.47		
5. Amount of Claim Entitled to Priority Under 11 U.S.C. §507(a). If any part of the claim falls into one of the following categories, check the box specifying the priority and state the amount.		
<input type="checkbox"/> Domestic support obligations under 11 U.S.C. § 507(a)(1)(A) or (e)(1)(B). <input type="checkbox"/> Wages, salaries, or commissions (up to \$12,375*) earned within 180 days before the case was filed or of the debtor's business ceased, whichever is earlier. 11 U.S.C. § 507(a)(1). <input type="checkbox"/> Up to \$2,775* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7). <input type="checkbox"/> Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8). <input type="checkbox"/> Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(9). <input type="checkbox"/> Other: Specify applicable paragraph of 11 U.S.C. §507(a)(6). \$ 63630.47		
*Amounts are subject to adjustment on 7/01/14 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.		
6. Credits: The amount of all payments on this claim has been credited for the purpose of making this proof of claim. (See Instruction #6)		

7. Documents: Attached are redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, subleases, security agreements, or, in the case of a claim based on an open-end or revolving consumer credit agreement, a statement providing the information required by FRBP 3001(c)(3)(A). If the claim is secured, box 4 has been completed, and redacted copies of documents providing evidence of perfection of a security interest are attached. If the claim is secured by the debtor's principal residence, the Mortgage Proof of Claim Attachment is being filed with this claim. (See Instruction #7, and the definition of "redacted".)

DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.

If the documents are not available, please explain:

8. Signature: (See Instruction #8) Check the appropriate box:

- I am the creditor. I am the creditor's authorized agent. I am the trustee, or the debtor, or their authorized agent. I am a guarantor, surety, endorser, or other codebtor. (See Bankruptcy Rule 3004.)

I declare under penalty of perjury that the information provided in this claim is true and correct to the best of my knowledge, information, and reasonable belief.

Print Name: Christina Yang

Title: President

Company: China Fortune

Address and telephone number (if different from notice address above):

s/ Christina Yang
(Signature)

7/2/2014
(Date)

Telephone number:

email:

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 132 and 1337.

LAMONICA HERBST & MANISCALCO, LLP
Moving Forward. Staying Ahead.®

Rachel P. Stolar, Esq.
Associate
p: 516.826.6500 x212
rps@lhm.lawfirm.com

July 11, 2017

By Email (chyangfortune@on.aibn.com)

Christina Yang
President
China Fortune
3545 Nashua Drive
Mississauga, Ontario,
L4V 1R1
Canada.

**Re: Retro (USA) Inc.
Chapter 7
Case No. 14-11554-SHL**

Dear Ms. Yang:

This firm represents Salvatore LaMonica, the Chapter 7 Trustee of Retro (USA), Inc. I am writing in furtherance of our discussion with respect to the proof of claim filed on behalf of the China Fortune, dated July 2, 2014, in the amount of \$83,630.47 and designated as claim no. 2 ("Claim 2"). A copy of Claim 2 is enclosed.

This letter shall confirm our agreement to reclassify and allow Claim 2 as a general unsecured claim in the amount of \$83,630.47.

Please confirm the foregoing treatment of Claim 2 by executing below and forwarding back to me. I will then file this letter agreement with the Court. If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

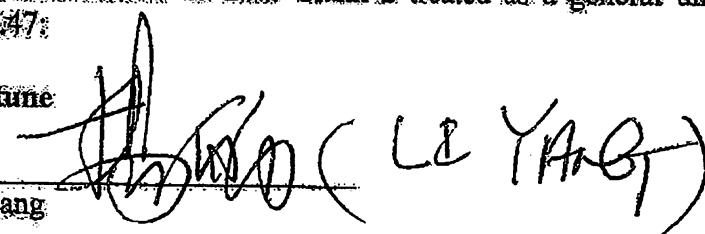
Rachel P. Stolar

AGREED AND CONSENTED to have Claim 2 treated as a general unsecured claim in the amount of \$83,630.47:

China Fortune

By:

Christina Yang
President
China Fortune
3545 Nashua Drive
Mississauga, Ontario
L4V 1R1
Canada



Southern District of New York Claims Register

14-11554-shl Retro (USA) Inc.

Judge: Sean H. Lane

Chapter: 7

Office: Manhattan

Last Date to file claims: 10/13/2014

Trustee: Salvatore LaMonica

Last Date to file (Govt):

Creditor: (7399739) [History](#)

China Fortune

Attn: Li Yang

Aka Christina Yang, President

230 Fifth Avenue, Suite 805

New York, NY 10001

[Claimant](#)

[History](#)

Claim No: 2

Original Filed

Date: 07/02/2014

Original Entered

Date: 07/02/2014

Status:

Filed by: CR

Entered by: Admin.

Modified:

Amount claimed: \$83630.47

Priority claimed: \$83630.47

History:

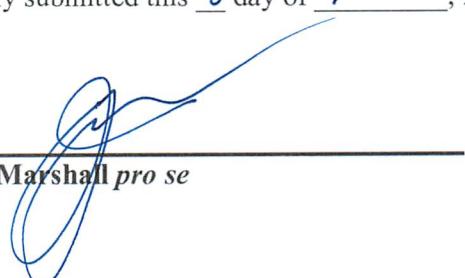
[73](#) 08/01/2018 Transfer Agreement 3001 (e) 2 Transferor: [China Fortune](#) (Claim No. 2) To John Marshall (Fee Amount \$25, Receipt Number 202427) filed by John Marshall. (Suarez, Aurea)

[72](#) 08/01/2018 (**Entered in Error, See Document No. 73**) Transfer Agreement 3001 (e) 2 Transferor: [China Fortune](#) (Claim No. 2) To John Marshall (Fee Amount \$25, Receipt Number 202427) filed by John Marshall. (Suarez, Aurea) **Modified on 9/14/2018 (Bush, Brent)**

[Details](#) [2-1](#) 07/02/2014 Claim #2 filed by China Fortune, Amount claimed: \$83630.47 (Admin.)

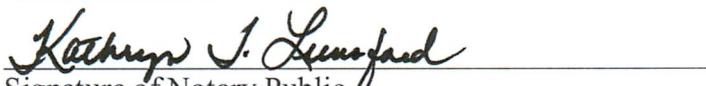
- 5) Once you approve the Request please direct the payment as noted in the Request. If you have any questions or need further information, please direct all such inquires to my attention using the contact information above (preferably email, for quickest response).

I hereby certify under the pains and penalties of perjury that the foregoing statements are true and correct to the best of my knowledge and belief. Respectfully submitted this 6 day of Nov, 2018.


John J. Marshall *pro se*

Notary Public:

Sworn to and Subscribed before me this 6th day of
November, 2018.



Signature of Notary Public

State of Virginia – City/County of Henrico

SEAL



Form **W-9**
 (Rev. December 2011)
 Department of the Treasury
 Internal Revenue Service

Request for Taxpayer Identification Number and Certification

Give Form to the requester. Do not send to the IRS.

Print or type
 See Specific Instructions on page 2.

Name (as shown on your income tax return) John J. Marshall	
Business name/disregarded entity name, if different from above	
Check appropriate box for federal tax classification: <input checked="" type="checkbox"/> Individual/sole proprietor <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate <input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ► <input type="checkbox"/> Exempt payee <input type="checkbox"/> Other (see instructions) ►	
Address (number, street, and apt. or suite no.) 6800 Paragon Place, Ste 202	Requester's name and address (optional)
City, state, and ZIP code Richmond, VA 23230	
List account number(s) here (optional)	

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on the "Name" line to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Note. If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

Social security number										
2	5	4	-	9	6	-	6	8	8	5

Employer identification number									

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
3. I am a U.S. citizen or other U.S. person (defined below).

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 4.

Sign Here Signature of U.S. person ►

Date ► *11/15/18*

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Purpose of Form

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income.

Note. If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

Definition of a U.S. person. For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States,
- An estate (other than a foreign estate), or
- A domestic trust (as defined in Regulations section 301.7701-7).

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax on any foreign partners' share of income from such business. Further, in certain cases where a Form W-9 has not been received, a partnership is required to presume that a partner is a foreign person, and pay the withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid withholding on your share of partnership income.

The person who gives Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States is in the following cases:

- The U.S. owner of a disregarded entity and not the entity,
- The U.S. grantor or other owner of a grantor trust and not the trust, and
- The U.S. trust (other than a grantor trust) and not the beneficiaries of the trust.

Foreign person. If you are a foreign person, do not use Form W-9. Instead, use the appropriate Form W-8 (see Publication 515, Withholding of Tax on Nonresident Aliens and Foreign Entities).

Nonresident alien who becomes a resident alien. Generally, only a nonresident alien individual may use the terms of a tax treaty to reduce or eliminate U.S. tax on certain types of income. However, most tax treaties contain a provision known as a "saving clause." Exceptions specified in the saving clause may permit an exemption from tax to continue for certain types of income even after the payee has otherwise become a U.S. resident alien for tax purposes.

If you are a U.S. resident alien who is relying on an exception contained in the saving clause of a tax treaty to claim an exemption from U.S. tax on certain types of income, you must attach a statement to Form W-9 that specifies the following five items:

1. The treaty country. Generally, this must be the same treaty under which you claimed exemption from tax as a nonresident alien.
2. The treaty article addressing the income.
3. The article number (or location) in the tax treaty that contains the saving clause and its exceptions.
4. The type and amount of income that qualifies for the exemption from tax.
5. Sufficient facts to justify the exemption from tax under the terms of the treaty article.

Example. Article 20 of the U.S.-China income tax treaty allows an exemption from tax for scholarship income received by a Chinese student temporarily present in the United States. Under U.S. law, this student will become a resident alien for tax purposes if his or her stay in the United States exceeds 5 calendar years. However, paragraph 2 of the first Protocol to the U.S.-China treaty (dated April 30, 1984) allows the provisions of Article 20 to continue to apply even after the Chinese student becomes a resident alien of the United States. A Chinese student who qualifies for this exception (under paragraph 2 of the first protocol) and is relying on this exception to claim an exemption from tax on his or her scholarship or fellowship income would attach to Form W-9 a statement that includes the information described above to support that exemption.

If you are a nonresident alien or a foreign entity not subject to backup withholding, give the requester the appropriate completed Form W-8.

What is backup withholding? Persons making certain payments to you must under certain conditions withhold and pay to the IRS a percentage of such payments. This is called "backup withholding." Payments that may be subject to backup withholding include interest, tax-exempt interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

You will not be subject to backup withholding on payments you receive if you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return.

Payments you receive will be subject to backup withholding if:

1. You do not furnish your TIN to the requester,
2. You do not certify your TIN when required (see the Part II instructions on page 3 for details),
3. The IRS tells the requester that you furnished an incorrect TIN,
4. The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only), or
5. You do not certify to the requester that you are not subject to backup withholding under 4 above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See the instructions below and the separate Instructions for the Requester of Form W-9.

Also see *Special rules for partnerships* on page 1.

Updating Your Information

You must provide updated information to any person to whom you claimed to be an exempt payee if you are no longer an exempt payee and anticipate receiving reportable payments in the future from this person. For example, you may need to provide updated information if you are a C corporation that elects to be an S corporation, or if you no longer are tax exempt. In addition, you must furnish a new Form W-9 if the name or TIN changes for the account, for example, if the grantor of a grantor trust dies.

Penalties

Failure to furnish TIN. If you fail to furnish your correct TIN to a requester, you are subject to a penalty of \$50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

Civil penalty for false information with respect to withholding. If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a \$500 penalty.

Criminal penalty for falsifying information. Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

Misuse of TINs. If the requester discloses or uses TINs in violation of federal law, the requester may be subject to civil and criminal penalties.

Specific Instructions

Name

If you are an individual, you must generally enter the name shown on your income tax return. However, if you have changed your last name, for instance, due to marriage without informing the Social Security Administration of the name change, enter your first name, the last name shown on your social security card, and your new last name.

If the account is in joint names, list first, and then circle, the name of the person or entity whose number you entered in Part I of the form.

Sole proprietor. Enter your individual name as shown on your income tax return on the "Name" line. You may enter your business, trade, or "doing business as (DBA)" name on the "Business name/disregarded entity name" line.

Partnership, C Corporation, or S Corporation. Enter the entity's name on the "Name" line and any business, trade, or "doing business as (DBA)" name on the "Business name/disregarded entity name" line.

Disregarded entity. Enter the owner's name on the "Name" line. The name of the entity entered on the "Name" line should never be a disregarded entity. The name on the "Name" line must be the name shown on the income tax return on which the income will be reported. For example, if a foreign LLC that is treated as a disregarded entity for U.S. federal tax purposes has a domestic owner, the domestic owner's name is required to be provided on the "Name" line. If the direct owner of the entity is also a disregarded entity, enter the first owner that is not disregarded for federal tax purposes. Enter the disregarded entity's name on the "Business name/disregarded entity name" line. If the owner of the disregarded entity is a foreign person, you must complete an appropriate Form W-8.

Note. Check the appropriate box for the federal tax classification of the person whose name is entered on the "Name" line (Individual/sole proprietor, Partnership, C Corporation, S Corporation, Trust/estate).

Limited Liability Company (LLC). If the person identified on the "Name" line is an LLC, check the "Limited liability company" box only and enter the appropriate code for the tax classification in the space provided. If you are an LLC that is treated as a partnership for federal tax purposes, enter "P" for partnership. If you are an LLC that has filed a Form 8832 or a Form 2553 to be taxed as a corporation, enter "C" for C corporation or "S" for S corporation. If you are an LLC that is disregarded as an entity separate from its owner under Regulation section 301.7701-3 (except for employment and excise tax), do not check the LLC box unless the owner of the LLC (required to be identified on the "Name" line) is another LLC that is not disregarded for federal tax purposes. If the LLC is disregarded as an entity separate from its owner, enter the appropriate tax classification of the owner identified on the "Name" line.

Other entities. Enter your business name as shown on required federal tax documents on the "Name" line. This name should match the name shown on the charter or other legal document creating the entity. You may enter any business, trade, or DBA name on the "Business name/disregarded entity name" line.

Exempt Payee

If you are exempt from backup withholding, enter your name as described above and check the appropriate box for your status, then check the "Exempt payee" box in the line following the "Business name/disregarded entity name," sign and date the form.

Generally, individuals (including sole proprietors) are not exempt from backup withholding. Corporations are exempt from backup withholding for certain payments, such as interest and dividends.

Note. If you are exempt from backup withholding, you should still complete this form to avoid possible erroneous backup withholding.

The following payees are exempt from backup withholding:

1. An organization exempt from tax under section 501(a), any IRA, or a custodial account under section 403(b)(7) if the account satisfies the requirements of section 401(f)(2),
2. The United States or any of its agencies or instrumentalities,
3. A state, the District of Columbia, a possession of the United States, or any of their political subdivisions or instrumentalities,
4. A foreign government or any of its political subdivisions, agencies, or instrumentalities, or
5. An international organization or any of its agencies or instrumentalities.

Other payees that may be exempt from backup withholding include:

6. A corporation,
7. A foreign central bank of issue,
8. A dealer in securities or commodities required to register in the United States, the District of Columbia, or a possession of the United States,
9. A futures commission merchant registered with the Commodity Futures Trading Commission,
10. A real estate investment trust,
11. An entity registered at all times during the tax year under the Investment Company Act of 1940,
12. A common trust fund operated by a bank under section 584(a),
13. A financial institution,
14. A middleman known in the investment community as a nominee or custodian, or
15. A trust exempt from tax under section 664 or described in section 4947.

The following chart shows types of payments that may be exempt from backup withholding. The chart applies to the exempt payees listed above, 1 through 15.

IF the payment is for ...	THEN the payment is exempt for ...
Interest and dividend payments	All exempt payees except for 9
Broker transactions	Exempt payees 1 through 5 and 7 through 13. Also, C corporations.
Barter exchange transactions and patronage dividends	Exempt payees 1 through 5
Payments over \$600 required to be reported and direct sales over \$5,000 ¹	Generally, exempt payees 1 through 7 ²

¹ See Form 1099-MISC, Miscellaneous Income, and its instructions.

² However, the following payments made to a corporation and reportable on Form 1099-MISC are not exempt from backup withholding: medical and health care payments, attorneys' fees, gross proceeds paid to an attorney, and payments for services paid by a federal executive agency.

Part I. Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. If you are a resident alien and you do not have and are not eligible to get an SSN, your TIN is your IRS individual taxpayer identification number (ITIN). Enter it in the social security number box. If you do not have an ITIN, see *How to get a TIN* below.

If you are a sole proprietor and you have an EIN, you may enter either your SSN or EIN. However, the IRS prefers that you use your SSN.

If you are a single-member LLC that is disregarded as an entity separate from its owner (see *Limited Liability Company (LLC)* on page 2), enter the owner's SSN (or EIN, if the owner has one). Do not enter the disregarded entity's EIN. If the LLC is classified as a corporation or partnership, enter the entity's EIN.

Note. See the chart on page 4 for further clarification of name and TIN combinations.

How to get a TIN. If you do not have a TIN, apply for one immediately. To apply for an SSN, get Form SS-5, Application for a Social Security Card, from your local Social Security Administration office or get this form online at www.ssa.gov. You may also get this form by calling 1-800-772-1213. Use Form W-7, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN, or Form SS-4, Application for Employer Identification Number, to apply for an EIN. You can apply for an EIN online by accessing the IRS website at www.irs.gov/businesses and clicking on Employer Identification Number (EIN) under Starting a Business. You can get Forms W-7 and SS-4 from the IRS by visiting IRS.gov or by calling 1-800-TAX-FORM (1-800-829-3676).

If you are asked to complete Form W-9 but do not have a TIN, write "Applied For" in the space for the TIN, sign and date the form, and give it to the requester. For interest and dividend payments, and certain payments made with respect to readily tradable instruments, generally you will have 60 days to get a TIN and give it to the requester before you are subject to backup withholding on payments. The 60-day rule does not apply to other types of payments. You will be subject to backup withholding on all such payments until you provide your TIN to the requester.

Note. Entering "Applied For" means that you have already applied for a TIN or that you intend to apply for one soon.

Caution: A disregarded domestic entity that has a foreign owner must use the appropriate Form W-8.

Part II. Certification

To establish to the withholding agent that you are a U.S. person, or resident alien, sign Form W-9. You may be requested to sign by the withholding agent even if item 1, below, and items 4 and 5 on page 4 indicate otherwise.

For a joint account, only the person whose TIN is shown in Part I should sign (when required). In the case of a disregarded entity, the person identified on the "Name" line must sign. Exempt payees, see *Exempt Payee* on page 3.

Signature requirements. Complete the certification as indicated in items 1 through 3, below, and items 4 and 5 on page 4.

1. Interest, dividend, and barter exchange accounts opened before 1984 and broker accounts considered active during 1983. You must give your correct TIN, but you do not have to sign the certification.

2. Interest, dividend, broker, and barter exchange accounts opened after 1983 and broker accounts considered inactive during 1983. You must sign the certification or backup withholding will apply. If you are subject to backup withholding and you are merely providing your correct TIN to the requester, you must cross out item 2 in the certification before signing the form.

3. Real estate transactions. You must sign the certification. You may cross out item 2 of the certification.

4. Other payments. You must give your correct TIN, but you do not have to sign the certification unless you have been notified that you have previously given an incorrect TIN. "Other payments" include payments made in the course of the requester's trade or business for rents, royalties, goods (other than bills for merchandise), medical and health care services (including payments to corporations), payments to a nonemployee for services, payments to certain fishing boat crew members and fishermen, and gross proceeds paid to attorneys (including payments to corporations).

5. Mortgage interest paid by you, acquisition or abandonment of secured property, cancellation of debt, qualified tuition program payments (under section 529), IRA, Coverdell ESA, Archer MSA or HSA contributions or distributions, and pension distributions. You must give your correct TIN, but you do not have to sign the certification.

What Name and Number To Give the Requester

For this type of account:	Give name and SSN of:
1. Individual	The individual
2. Two or more individuals (joint account)	The actual owner of the account or, if combined funds, the first individual on the account ¹
3. Custodian account of a minor (Uniform Gift to Minors Act)	The minor ²
4. a. The usual revocable savings trust (grantor is also trustee) b. So-called trust account that is not a legal or valid trust under state law	The grantor-trustee ³
5. Sole proprietorship or disregarded entity owned by an individual	The actual owner ¹
6. Grantor trust filing under Optional Form 1099 Filing Method 1 (see Regulation section 1.671-4(b)(2)(i)(A))	The owner ⁴
For this type of account:	Give name and EIN of:
7. Disregarded entity not owned by an individual	The owner
8. A valid trust, estate, or pension trust	Legal entity ⁴
9. Corporation or LLC electing corporate status on Form 8832 or Form 2553	The corporation
10. Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
11. Partnership or multi-member LLC	The partnership
12. A broker or registered nominee	The broker or nominee
13. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments	The public entity
14. Grantor trust filing under the Form 1041 Filing Method or the Optional Form 1099 Filing Method 2 (see Regulation section 1.671-4(b)(2)(i)(B))	The trust

¹ List first and circle the name of the person whose number you furnish. If only one person on a joint account has an SSN, that person's number must be furnished.

² Circle the minor's name and furnish the minor's SSN.

³ You must show your individual name and you may also enter your business or "DBA" name on the "Business name/disregarded entity" name line. You may use either your SSN or EIN (if you have one), but the IRS encourages you to use your SSN.

⁴ List first and circle the name of the trust, estate, or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.) Also see *Special rules for partnerships* on page 1.

*Note. Grantor also must provide a Form W-9 to trustee of trust.

Note. If no name is circled when more than one name is listed, the number will be considered to be that of the first name listed.

Secure Your Tax Records from Identity Theft

Identity theft occurs when someone uses your personal information such as your name, social security number (SSN), or other identifying information, without your permission, to commit fraud or other crimes. An identity thief may use your SSN to get a job or may file a tax return using your SSN to receive a refund.

To reduce your risk:

- Protect your SSN,
- Ensure your employer is protecting your SSN, and
- Be careful when choosing a tax preparer.

If your tax records are affected by identity theft and you receive a notice from the IRS, respond right away to the name and phone number printed on the IRS notice or letter.

If your tax records are not currently affected by identity theft but you think you are at risk due to a lost or stolen purse or wallet, questionable credit card activity or credit report, contact the IRS Identity Theft Hotline at 1-800-908-4490 or submit Form 14039.

For more information, see Publication 4535, Identity Theft Prevention and Victim Assistance.

Victims of identity theft who are experiencing economic harm or a system problem, or are seeking help in resolving tax problems that have not been resolved through normal channels, may be eligible for Taxpayer Advocate Service (TAS) assistance. You can reach TAS by calling the TAS toll-free case intake line at 1-877-777-4778 or TTY/TDD 1-800-829-4059.

Protect yourself from suspicious emails or phishing schemes.

Phishing is the creation and use of email and websites designed to mimic legitimate business emails and websites. The most common act is sending an email to a user falsely claiming to be an established legitimate enterprise in an attempt to scam the user into surrendering private information that will be used for identity theft.

The IRS does not initiate contacts with taxpayers via emails. Also, the IRS does not request personal detailed information through email or ask taxpayers for the PIN numbers, passwords, or similar secret access information for their credit card, bank, or other financial accounts.

If you receive an unsolicited email claiming to be from the IRS, forward this message to phishing@irs.gov. You may also report misuse of the IRS name, logo, or other IRS property to the Treasury Inspector General for Tax Administration at 1-800-366-4484. You can forward suspicious emails to the Federal Trade Commission at: spam@uce.gov or contact them at www.ftc.gov/idtheft or 1-877-IDTHEFT (1-877-438-4338).

Visit IRS.gov to learn more about identity theft and how to reduce your risk.

Privacy Act Notice

Section 6109 of the Internal Revenue Code requires you to provide your correct TIN to persons (including federal agencies) who are required to file information returns with the IRS to report interest, dividends, or certain other income paid to you; mortgage interest you paid; the acquisition or abandonment of secured property; the cancellation of debt; or contributions you made to an IRA, Archer MSA, or HSA. The person collecting this form uses the information on the form to file information returns with the IRS, reporting the above information. Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation and to cities, states, the District of Columbia, and U.S. possessions for use in administering their laws. The information also may be disclosed to other countries under a treaty, to federal and state agencies to enforce civil and criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism. You must provide your TIN whether or not you are required to file a tax return. Under section 3406, payers must generally withhold a percentage of taxable interest, dividend, and certain other payments to a payee who does not give a TIN to the payer. Certain penalties may also apply for providing false or fraudulent information.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS
Accounting Division

VENDOR INFORMATION/TIN CERTIFICATION
Mandatory Information that MUST be provided before submission

Ex-AO Employee
 SAM Vendor
(Formerly CCR)
(No TIN Certification Required)

<p>Vendor Address</p> <p>Select all that apply <input checked="" type="checkbox"/> Order <input checked="" type="checkbox"/> Remit <input checked="" type="checkbox"/> 1099</p> <p>Name: John J. Marshall</p> <p>Business Name: (if different from above)</p> <p>Address 1: 6800 Paragon Place, Ste 202</p> <p>Address 2:</p> <p>City: Richmond</p> <p>State: VA Zip Code: 23230</p> <p>Phone #: 804-285-0807 E-mail: jmarshall@jmpartnersllc.com</p> <p>Taxpayer Identification #: 254-96-6885</p> <p>DUNS #</p>		<p>Other Address (If different from Vendor Address)</p> <p>Select all that apply <input type="checkbox"/> Order <input type="checkbox"/> Remit <input type="checkbox"/> 1099</p> <p>Address:</p> <p>City:</p> <p>State: Zip Code:</p> <p>Phone #:</p> <p>Description: (If needed)</p>
<p>Financial Information (If Requested)</p>		
<p>Bank Name:</p> <p>City:</p> <p>State: Zip Code:</p>	<p>Routing # (this nine digit number appears on your checks, but do not include individual check numbers):</p> <p>Account #:</p> <p>Type of Account: (select one) <input type="checkbox"/> Checking <input type="checkbox"/> Savings</p>	

Type of Organization for 1099 reporting:

- | | |
|--|---|
| <input checked="" type="checkbox"/> sole proprietorship; | <input type="checkbox"/> partnership; |
| <input type="checkbox"/> corporate entity (not tax-exempt); | <input type="checkbox"/> corporate entity (tax-exempt); |
| <input type="checkbox"/> health care provider; | <input type="checkbox"/> other: _____ |
| <input type="checkbox"/> government entity (write in either federal, state or local) | _____ |

Taxpayer Identification Number Certification

Under penalties of perjury, I certify that:

1. The Taxpayer Identification Number listed in the Vendor Address area above is the correct number assigned to me, and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest and dividends, or (c) the IRS has notified me that I am no longer subject to the backup withholding, and
3. I am a U.S. citizen or other U.S. person (defined below).

You must select this check box if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. If you make a false statement with no reasonable basis that results in no backup withholdings, you are subject to a \$500 penalty. Willfully falsifying certifications or affirmations on this form may subject you to criminal penalties including fines and/or imprisonment.

Definitions:

"Taxpayer Identification (*TIN, SS, or EIN number*)" is the number required by the Internal Revenue Service (IRS) to be used in reporting income tax and other returns. The TIN may be either a social security number (SSN) or an employer identification number (EIN).

"U.S. person" means:

- An individual who is a U.S. citizen or U.S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States.

The TIN, as well as the information above is required in order to comply with debt collection requirements of [31 U.S.C. §§ 7701\(c\)](#) and [3325\(d\)](#), reporting requirements of [26 U.S.C. §§ 6041](#) and [6041A](#), and implementing regulations issued by the IRS. Failure or refusal to furnish this information may result in 28 percent backup withholding on any payments otherwise due under any awarded contract or purchase order.

The TIN may be used by the government to collect and report on any delinquent amounts arising out of the vendor's relationship with the government ([31 U.S.C. § 7701\(c\)\(3\)](#)). The TIN provided may be matched with IRS records to verify its accuracy.

Complete this section only if a TIN was not provided on page one, and select closest reason why not:

- The vendor is a nonresident alien, foreign corporation or foreign partnership that does not have income effectively connected with the conduct of a trade or business in the United States and does not have an office or place of business or a fiscal paying agent in the United States;
- The vendor is an agency or instrumentality of a foreign government;

**Additional information required for vendors used for procurement
(purchase orders, contracts, etc.)**

Indicate which, if any, of the following categories are applicable. These categories require that the vendor is 51% owned and the management and daily operations are controlled by one or more members of the selected socio-economic group:

- Women Owned Business Not Applicable
 Minority Owned Business (*If yes, select one of the owner's race/ethnicity selections from below:*)
 Asian-Pacific American Black American Subcontinent Asian (Asian-Indian)American
 Hispanic American Native American Other: _____

Date: 11/15/18

Vendor's signature

For Agency Use Only

The vendor name and DUNS number is all that is required for registered System for Award Management (SAM) vendors (formerly CCR). (Check [www.sam.gov](#) for registration status.) Do not use this form for purchase card merchants.

Mark Boxes that apply: Addition Change Vendor Code: _____ (*make entry only if change*)
 Active Inactive Vendor Type: _____

The following information is optional for individuals whose name and telephone are already on the form:

Contact Name: _____ Email: _____
Telephone Number: _____

Identification of person making this request:

Name: _____
Telephone Number: _____ Originating Office: _____

Please type or print clearly. For JIFMS Users only, e-mail the completed form to: jifms@support.aotx.uscourts.gov. For Court FAS4T Users, send this form to the local court Vendor Administrator. For questions regarding JIFMS and Court FAS4T please contact SDSO at (210) 301-6320.

This form should be completed with signature by the vendor and submitted by Judiciary staff only.
Sensitive information must be securely maintained and only visible to the appropriately designated financial employee.

UNITED STATES BANKRUPTCY COURT

SOUTHERN DISTRICT OF NEW YORK
ONE BOWLING GREEN ROOM 534
NEW YORK, NY 10004-1408
(212)668-2870

CECELIA G. MORRIS
CHIEF JUDGE

VITO GENNA
CLERK OF COURT

November 26, 2018

John J. Marshall
JM Partners LLC
6800 Paragon Place, Suite 202
Richmond, VA 23230-1656
(804) 285-0807

Re: Unclaimed Dividends / 14-11554(SHL) Retro (USA), Inc. / China Fortune

Dear Mr. Marshall:

Please cure the defects for your aforementioned application in order for the court to proceed with processing your application for unclaimed dividends. Please note; submitting a transfer of claim does not preclude satisfying the court requirements for the original creditor of record, for reimbursement of unclaimed funds:

- The Court will make disbursements of unclaimed funds payable only in the name of the rightful **owner of record, China Fortune**; or jointly to the owner of record **and an agent or funds locator**, if authorized by the power of attorney. Affidavit for Reimbursement, Form Order, and W-9/AO213 form must all conform to payee name accordingly. See item #19 on court instructions.
- As per court instructions located on website:<http://www.nysb.uscourts.gov/unclaimed-funds-info> Documentation is needed for person executing Affidavit and Identification of Creditor Li Yang, establishing that Li Yang is authorized to collect unclaimed funds/ demonstrating that said person executing the power of authority is authorized to do so. (If the application is an individual executing the application on behalf of applicant's corporation, partnership, or other entity, the application must include documentation establishing that such individual is authorized to act on behalf of such entity. Both the power of attorney and such documentation may not be signed by the same individual). See item #18 on court instructions.
- As per item #17 in court instructions located on our website
Please provide: current list of officers and directors or members; certified copy of Articles of Incorporation/Organization; imprint of corporate seal, if applicable, or notarized statement that corporate seal is not available; business card reflecting claimant's name; officer or representative's name and title attached to company letterhead stationery.
If inactive corporation/limited liability company, please provide: *final list of officers and directors; certified copy of articles of incorporation/organization; certified copy of articles of dissolution (or similar document), date and list of final distribution of assets.*
- Please include Original Affidavit and Identification of Creditor China Fortune.
- Please include darker, legible copy of identification of Li Yang
- Please include Clerk's Certificate of good standing for Varinder K. Gaur, Barrister & Solicitor, Notary Public

All original documentation submitted is retained by the court. Thank you for your prompt attention.

Sincerely,

Peter Mazzola
Finance Department



RE: 14-11554 / Claim Transfer John Marshall to: Peter_Mazzola@nysb.uscourts.gov

08/30/2018 10:09 AM

Cc: "sue_lank@nysb.uscourts.gov", "Eddie_Andino@nysb.uscourts.gov",
"vito_genna@nysb.uscourts.gov", "USTPRegion02.NYECF@USDOJ.GOV",
"sl@lhmlawfirm.com"

From: John Marshall <JMarshall@jmpartnersllc.com>

To: "Peter_Mazzola@nysb.uscourts.gov" <Peter_Mazzola@nysb.uscourts.gov>

Cc: "sue_lank@nysb.uscourts.gov" <sue_lank@nysb.uscourts.gov>,

"Eddie_Andino@nysb.uscourts.gov" <Eddie_Andino@nysb.uscourts.gov>,

"vito_genna@nysb.uscourts.gov" <vito_genna@nysb.uscourts.gov>,

"USTPRegion02.NYECF@USDOJ.GOV" <USTPRegion02.NYECF@USDOJ.GOV>,

"sl@lhmlawfirm.com" <sl@lhmlawfirm.com>

History:

This message has been forwarded.

Peter –

Sorry...I thought you were the actual Clerk of the Court.....my bad, and my apologies....I obviously should have directed the inquiry to the right party. I do see that you copied Mr. Andino, so hopefully the proper party is now on this email chain (and/or they/you can forward to the right party in Operations).

I appreciate your comments about claim transfers/unclaimed. However, to be sure, the issue here is the Claim Transfer that was rightly filed. The Court obviously cannot prevent a creditor from selling their claim....and China Fortune has sold their claim to us, and was paid for us for that transaction, and a proper claim transfer was, in fact, filed with the Court on August 1st of this year. The objection deadline for that transfer has now passed. Any funds due against that claim belong to us....and when/if any funds become unclaimed, they too would belong to us. All of that aside, the present point is that the Court does not get to pick and choose which Claim Transfers to process and which not to process....so it would be appropriate for the Court to process the one that you guys have been holding for a full month now.

I copy the Case Trustee and the US Trustee again, since it strikes me that if either of those parties had a comment or objection to the Claim Transfer, they might offer it up. Thanks to all.

John Marshall
JM Partners LLC
6800 Paragon Place, Suite 202
Richmond, VA 23230-1656

Phone: 804-285-0807 Fax: 804-285-0939

JMarshall@JMPartnersLLC.com

[Click here](#) to upload files.

From: Peter_Mazzola@nysb.uscourts.gov [mailto:Peter_Mazzola@nysb.uscourts.gov]

Sent: Thursday, August 30, 2018 9:38 AM

To: John Marshall <JMarshall@jmpartnersllc.com>

Cc: sue_lank@nysb.uscourts.gov; Eddie_Andino@nysb.uscourts.gov

Subject: RE: 14-11554 / Claim Transfer

Hello Mr. Marshall,

I am not in charge of docketing on CM/ECF; for that you need to speak to the Operations Department Manager.

The court is in the process of re-evaluating the acceptance of transfers of claim as an instrument for reimbursement of unclaimed dividends.

The Court will make disbursements of unclaimed funds payable only in the name of the rightful **owner of record**

When applying for reimbursement of unclaimed dividends, please follow the court instructions provided on our public website located at <http://www.nysb.uscourts.gov/unclaimed-funds-forms>
<http://www.nysb.uscourts.gov/unclaimed-funds-info>



PETER MAZZOLA

FINANCIAL SPECIALIST

UNITED STATES BANKRUPTCY COURT

SOUTHERN DISTRICT OF NEW YORK

ONE BOWLING GREEN

NEW YORK, NY 10004

TEL: (212) 284-4016

Peter_Mazzola@nysb.uscourts.gov

From: John Marshall <JMarshall@jmpartnersllc.com>
To: "Peter_Mazzola@nysb.uscourts.gov" <Peter_Mazzola@nysb.uscourts.gov>
Cc: "sl@lhmlawfirm.com" <sl@lhmlawfirm.com>, "USTPRegion02.NYECF@USDOJ.GOV" <USTPRegion02.NYECF@USDOJ.GOV>
Date: 08/27/2018 05:12 PM
Subject: RE: 14-11554 / Claim Transfer

Peter -

I purchased the claim of China Fortune in case 14-11554 / Retro (USA), and filed a claim transfer as required on 7/31/18. A copy of that filing is attached. It was delivered to your office on 8/1/18 via FedEx, and signed for by "M. Porter" at 9:21am that day. The Trustee likewise received his copy on 8/1/18.

I believe the duty to make that filing is on me.....but the duty to docket it for any possible objection is on your office. As of today, however, the

transfer has still never been docketed. Is there a reason for this? You are delaying necessary filing activity, and the docket should be brought current accordingly. Please advise.

John Marshall
JM Partners LLC
6800 Paragon Place, Suite 202
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[attachment "Filing.pdf" deleted by Peter Mazzola/NYSB/02/USCOURTS]

I, Wendy S. Hughes, Clerk of the Circuit Court of the said County, the same being a court of record, do hereby certify that Kathryn T. Lunsford whose name is signed to the foregoing certificate of proof of acknowledgement under date of 11/6/2018 is now and was at the time of the signing of same, a Notary Public of the Commonwealth of Virginia, in and for the said County of Chesterfield, duly commissioned and qualified, and authorized by law to administer oaths, take acknowledgments of deeds and other instruments of writing, and to perform such other duties as the law prescribes; and that this attestation is in accordance with the laws of the Commonwealth, and I further certify that I have witnessed the handwriting of such Notary Public and verily believe that the signature on the certificate is genuine.

Given under my hand and the seal of this Court this 7 day of November 2018.

Wendy S. Hughes
Wendy S. Hughes, Clerk

I, Wendy S. Hughes, Clerk of the Circuit Court of the said County, the same being a court of record, do hereby certify that Kaylyn T. Lunsford whose name is signed to the foregoing certificate of proof of acknowledgement under date of 11/16/2018 is now and was at the time of the signing of same, a Notary Public of the Commonwealth of Virginia, in and for the said County of Chesterfield, duly commissioned and qualified, and authorized by law to administer oaths, take acknowledgments of deeds and other instruments of writing, and to perform such other duties as the law prescribes; and that this attestation is in accordance with the laws of the Commonwealth, and I further certify that I have witnessed the handwriting of such Notary Public and verily believe that the signature on the certificate is genuine.

Given under my hand and the seal of this Court this 7 day of November 2018.

Wendy S. Hughes
Wendy S. Hughes, Clerk